

111TH CONGRESS  
1ST SESSION

# **S. 1107**

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IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2009

Referred to the Committee on the Judiciary

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## **AN ACT**

To amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Judicial Survivors Pro-  
 5       tection Act of 2009”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) The term “judicial official” refers to incum-  
 9       bent officials defined under section 376(a) of title  
 10      28, United States Code.

11              (2) The term “Judicial Survivors’ Annuities  
 12      Fund” means the fund established under section 3  
 13      of the Judicial Survivors’ Annuities Reform Act (28  
 14      U.S.C. 376 note; Public Law 94–554; 90 Stat.  
 15      2611).

16              (3) The term “Judicial Survivors’ Annuities  
 17      System” means the program established under sec-  
 18      tion 376 of title 28, United States Code.

19       **SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE**  
 20                               **JUDICIAL SURVIVORS’ ANNUITIES SYSTEM.**

21       (a) ELECTION OF JUDICIAL SURVIVORS’ ANNUITIES  
 22      SYSTEM COVERAGE.—An eligible judicial official may  
 23      elect to participate in the Judicial Survivors’ Annuities  
 24      System during the open enrollment period specified in sub-  
 25      section (d).

1 (b) MANNER OF MAKING ELECTIONS.—An election  
 2 under this section shall be made in writing, signed by the  
 3 person making the election, and received by the Director  
 4 of the Administrative Office of the United States Courts  
 5 before the end of the open enrollment period.

6 (c) EFFECTIVE DATE FOR ELECTIONS.—Any such  
 7 election shall be effective as of the first day of the first  
 8 calendar month following the month in which the election  
 9 is received by the Director.

10 (d) OPEN ENROLLMENT PERIOD DEFINED.—The  
 11 open enrollment period under this section is the 6-month  
 12 period beginning 30 days after the date of enactment of  
 13 this Act.

14 **SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN**  
 15 **ENROLLMENT ELECTION.**

16 (a) CONTRIBUTION RATE.—Every active judicial offi-  
 17 cial who files a written notification of his or her intention  
 18 to participate in the Judicial Survivors' Annuities System  
 19 during the open enrollment period shall be deemed thereby  
 20 to consent and agree to having deducted from his or her  
 21 salary a sum equal to 2.75 percent of that salary or a  
 22 sum equal to 3.5 percent of his or her retirement salary,  
 23 except that the deduction from any retirement salary—

1           (1) of a justice or judge of the United States  
 2       retired from regular active service under section  
 3       371(b) or 372(a) of title 28, United States Code;

4           (2) of a judge of the United States Court of  
 5       Federal Claims retired under section 178 of title 28,  
 6       United States Code; or

7           (3) of a judicial official on recall under section  
 8       155(b), 373(c)(4), 375, or 636(h) of title 28, United  
 9       States Code,

10 shall be an amount equal to 2.75 percent of retirement  
 11 salary.

12       (b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL  
 13 SURVIVORS' ANNUITIES FUND.—Contributions made  
 14 under subsection (a) shall be credited to the Judicial Sur-  
 15 vivors' Annuities Fund.

16 **SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.**

17       (a) LUMP SUM DEPOSIT.—Any judicial official who  
 18 files a written notification of his or her intention to par-  
 19 ticipate in the Judicial Survivors' Annuities System during  
 20 the open enrollment period may make a deposit equaling  
 21 2.75 percent of salary, plus 3 percent annual, compounded  
 22 interest, for the last 18 months of prior service, to receive  
 23 the credit for prior judicial service required for immediate  
 24 coverage and protection of the official's survivors. Any

1 such deposit shall be made on or before the closure of the  
2 open enrollment period.

3 (b) DEPOSITS TO BE CREDITED TO JUDICIAL SUR-  
4 VIVORS' ANNUITIES FUND.—Deposits made under sub-  
5 section (a) shall be credited to the Judicial Survivors' An-  
6 nuities Fund.

7 **SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**  
8 **VIVORS' ANNUITY.**

9 Section 376 of title 28, United States Code, is  
10 amended by adding at the end the following:

11 “(y) For each year of Federal judicial service com-  
12 pleted, judicial officials who are enrolled in the Judicial  
13 Survivors' Annuities System on the date of enactment of  
14 the Judicial Survivors Protection Act of 2009 may pur-  
15 chase, in 3-month increments, up to an additional year  
16 of service credit, under the terms set forth in this section.  
17 In the case of judicial officials who elect to enroll in the  
18 Judicial Survivors' Annuities System during the statutory  
19 open enrollment period authorized under the Judicial Sur-  
20 vivors Protection Act of 2009, for each year of Federal  
21 judicial service completed, such an official may purchase,  
22 in 3-month increments, up to an additional year of service  
23 credit for each year of Federal judicial service completed,  
24 under the terms set forth in section 4(a) of that Act.”.

1 **SEC. 7. EFFECTIVE DATE.**

2       This Act, including the amendment made by section  
3 6, shall take effect on the date of enactment of this Act.

Passed the Senate July 10, 2009.

Attest:                           NANCY ERICKSON,  
*Secretary.*